

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CRIMINAL NO. 1:00CR9

UNITED STATES OF AMERICA

VS.

TONY DURANT HARDY

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ORDER

THIS MATTER is before the Court *sua sponte*.

The Defendant was sentenced by the undersigned on December 13, 2000, to a prison term of 210 months for conspiracy to possess with intent to distribute cocaine base. **Judgment in a Criminal Case, filed December 21, 2000.** On May 18, 2009, the Probation Office filed a Supplement to the Defendant's presentence report pursuant to the Crack Cocaine Guideline Amendment. **Supplement to the Presentence Report, filed May 18, 2009.** The Probation Office advises that due to the Defendant's status as a career offender, his sentence should remain unchanged. ***Id. at 1.*** Because this recommendation is adverse to the Defendant, the Court will require a response from counsel.

IT IS, THEREFORE, ORDERED that Defendant's counsel file response to the Supplement to the Presentence Report within 45 days from entry of this Order.

Signed: May 20, 2009

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

